

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED
JUN 25 2019
Clerk, U.S. Courts
District Of Montana
Missoula Division

ANTHEL LAVAN BROWN,

Plaintiff,

vs.

PAUL REES, M.D.,

Defendant.

CV 18-93-H-DLC-JTJ

ORDER


United States Magistrate Judge John T. Johnston entered his Order and Findings and Recommendations on May 6, 2019, recommending that Plaintiff Anthel Lavan Brown's Motion for Temporary Restraining Order and Preliminary Injunction and Motion for Summary Judgment on the Motion for Temporary Restraining Order be denied. (Doc. 18 at 16.) Brown did not object to the Findings and Recommendations and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no clear error in this case.

Before concluding, it is worth noting that although Brown did not object to Judge Johnston's Findings and Recommendations, he did file an Emergency Motion for Protective Order (Doc. 21). This Motion was signed by Brown on the same day that Judge Johnston issued his Findings and Recommendations. Brown's most recent Motion is substantially a repetition of the arguments made in his previous requests for injunctive relief, which were addressed by Judge Johnston. Brown claims that Defendant has stopped providing him with medical care since the beginning of this case. (Doc. 21 at 1.) This is directly contradicted by the medical records supplied by Defendant in response to Brown's other requests. For the same reasons articulated in Judge Johnston's Findings and Recommendations, Brown's newest Motion will be denied.

IT IS ORDERED that Judge Johnston's Order and Findings and Recommendations (Doc. 18) are ADOPTED IN FULL and Brown's Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 1-2) and Motion for Summary Judgment on the Motion for Temporary Restraining Order (Doc. 16) are DENIED.

IT IS FURTHER ORDERED that Brown's Motion for Emergency Protective Order (Doc. 21) is DENIED.

DATED this 25th day of June, 2019.



Dana L. Christensen, Chief Judge
United States District Court